

BOARD OF APPEALS CASE NO. 5325

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BEFORE THE

APPLICANT: Vernon & Katherine Umstot

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ZONING HEARING EXAMINER

REQUEST: Variance to allow an attached
sunroom within the required rear yard setback;
1000 Bogart Circle, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/29/03 & 2/5/03

HEARING DATE: March 10, 2003

Record: 1/31/03 & 2/7/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Mr. and Mrs. Vernon Umstot, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to permit an attached sunroom within the required 35 foot rear yard setback (29 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The subject parcel is located at 1000 Bogart Circle, Bel Air, MD 21014 and is more particularly identified on Tax Map 48, Grid 1E, Parcel 281, Lot 234. The parcel consists of 0.295 acres, is zoned R2/COS and is entirely within the Third Election District.

The Applicant, Mr. Vernon Umstot, appeared and testified that he wants to add a sunroom across the entire rear of his existing home. The dimensions of the proposed sunroom were originally proposed as 12 feet by 38 feet but the Applicant requested an amendment to his Application to increase the size to 12 feet by 42 feet. If the sunroom were to remain 12 feet by 38 feet in dimension, the setback resulting is 30 feet. At 12 feet by 42 feet, the setback is reduced only one more foot to 29 feet but the addition would match the dimensions of the existing home and be more aesthetically attractive. The Applicant described his parcel as pie-shaped and located on a cul-de-sac. Because of the configuration the sunroom will not be visible from his neighbor's homes to the left and right. Interestingly, the Applicant pointed out that the house to the rear is located at somewhat of an angle to his home resulting in the unique situation that those parts of the new structure that do not require a variance will actually be closer to the home to the rear than the area of the new structure requiring a variance.

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Based on that and the other unique factors associated with this request, the Applicant concluded that no adverse impacts would result from a grant of the request.

The Department of Planning and Zoning was represented by Dennis Sigler. Mr. Sigler stated that the Department recommended approval of the subject request. The Department agreed that the subject parcel is uniquely configured and that the pie-shape contributes to the need for the variance requested. Mr. Sigler admitted that an increase in size to 12 feet by 42 feet would not change the recommendation of the Department and he agreed that no adverse impacts would result from an approval of the request and erection of the proposed structure. Mr. Sigler felt that approval was consistent with good planning and zoning principles and practices and pointed out that the other lots to the left and right of the Applicant's could build an identical structure on their lots without any need for a variance.

There were no persons that appeared in opposition to the request.

CONCLUSION:

The Applicants, Vernon & Katherine Umstot, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to permit an attached sunroom within the required 35 foot rear yard setback (29 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner, for the reasons stated by the Applicant and the Department of Planning and Zoning, finds that the subject property is uniquely configured. No adverse impacts will result from a grant of the variance and the purposes of the Code will not be impaired by such an approval. The structure is similar to other structures commonly found in Harford County and permitted in this District.

The Hearing Examiner, for the foregoing reasons, recommends approval, subject to the Applicant obtaining any and all necessary permits and inspections.

Date APRIL 10, 2003

William F. Casey
Zoning Hearing Examiner